

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 26, 27, 29, 30, and 32-40 are pending. Claims 26, 29, 32 and 34 are independent. No new matter has been added. It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112. Changes to claims are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. SUPPORT FOR AMENDMENT IN SPECIFICATION

Support for this amendment is provided throughout the Specification as originally filed and specifically at paragraphs [0032], [0062], [0084], [0088] and [0089] of Applicants' corresponding published application. By way of example and not limitation:

[0032] For example, on the attributive information, a genre of the program (news, sports or the like), casts, a keyword, a direction, a producer, a popularity, **selective information such as an accounting amount** and a program attribute including various values and information, which are necessary for judging the taste, are described. The value and the information for each of the programs are described on these attributive information for each attribute by the broadcast station 2.

[0062] According to the above described first modified example, the broadcast station 2 is capable of **changing the accounting amount in response to the using environment of each user** and performing the accounting more appropriately.

[0084] According to the above described modified example 2, the broadcast station 2 is capable of **changing the accounting amount in response to the amount that the user listens and views the commercial message**. Therefore, it is possible to carry out the accounting more appropriately.

[0088] According to the above described third modified example, the broadcast station 2 is capable of **changing the accounting amount in response to the number of the requests from the users**. Therefore, it is possible to carry out the accounting more appropriately.

[0089] A fourth modified example comprises a digital broadcast system which **makes the accounting amount of the program variable in the case that the user introduces the program to other user and the user who is introduced the program uses the program**.

III. RESPONSE TO REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 26, 27, 29, 30, 32-36 and 38 were rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,163,316 to Killian (hereinafter, merely "Killian") in view of U.S. Patent Application Publication No. 2004/0128685 of Hassell et al. (hereinafter, merely "Hassell") and in view of U.S. Patent Application Publication No. 2005/0223407 of Fullerton et al. (hereinafter, merely "Fullerton").

Claim 37 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Killian in view of Hassell and Fullerton, and further in view of U.S. Patent No. 5,758,257 to Herz et al. (hereinafter, merely "Herz").

Claims 39 and 40 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Killian in view of Hassell and Fullerton, and further in view of U.S. Patent No. 6,698,020 to Zigmond et al. (hereinafter, merely “Zigmond”).

Claim 26 recites recites, *inter alia*:

...wherein the selective information includes an accounting amount which is changed in response to using environment of each user, amount of commercial message listened and viewed by each user, and numbers of request for a program by each user, and is variable when a first user introduces a program to a second user and the second user uses the introduced program... (Emphasis added)

Applicants submit that neither Killian nor Hassell nor Fullerton, taken alone or in combination, would teach or suggest the above-identified features of claim 26. Specifically, none of the references used as a basis for rejection discloses or renders predictable “**wherein the selective information includes an accounting amount which is changed in response to using environment of each user, amount of commercial message listened and viewed by each user, and numbers of request for a program by each user, and is variable when a first user introduces a program to a second user and the second user uses the introduced program,**” as recited in claim 26.

Specifically, the Office Action (see page 4) asserts that Killian discloses selecting means for comparing first selective information with the attributive information, and refers to Killian, col. 2, lines 19-22 and col. 17, lines 29-35, which are reproduced as follows:

Killian, col. 2, lines 19-22:

...The program listing information is accessed and compared to the input information to generate recording information for the program according to the comparison...

Killian, col. 17, lines 29-35:

Suggest module 76 accesses program listing information 6 at step 304 stored locally or in database 48 using EPG API 60, link 14, and database server 46. At step 306, suggest module 76 compares the input information, such as the program identifier or viewer profile 84 generated using the preference information for the viewer, with program listing information 6 in database 48...

Applicants submit that in the present invention, the selective information includes an accounting amount, which is changed in response to the using environment of each user, in response to the amount of the commercial message that the user listens and views, in response to the number of the requests for a program from the users, and the accounting amount of the program is variable in the case that a user introduces a program to other user and the user who is introduced the program uses the program.

Therefore, Killian fails to disclose or render predictable “**wherein the selective information includes an accounting amount which is changed in response to using environment of each user, amount of commercial message listened and viewed by each user, and numbers of request for a program by each user, and is variable when a first user introduces a program to a second user and the second user uses the introduced program,**” as recited in claim 26.

Furthermore, this deficiency of Killian is not cured by the supplemental teaching of Hassell or Fullerton.

Therefore, Applicants submit that independent claim 26 is patentable and respectfully request reconsideration and withdrawal of the rejection.

For reasons similar to, or somewhat similar to, those described above with regard to independent claim 26, independent claims 29, 32 and 34 are also patentable, and Applicants thus respectfully request reconsideration of the rejections thereto.

IV. DEPENDENT CLAIMS

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Applicants thereby respectfully request reconsideration and withdrawal of rejections thereto. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

Because Applicants maintain that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicants reserve the right to address such comments.

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the


Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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